

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2013

No. 12-40900
Conference Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSHUA CALHOUN,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:09-CR-1159-1

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Joshua Calhoun in his appeal of a resentencing proceeding has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Calhoun has filed a response and requested the appointment of counsel.

During the pendency of this appeal, Calhoun completed his sentence of imprisonment, and he has no further term of supervised release to serve. The

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-40900

appeal is, therefore, moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). Accordingly, the appeal is DISMISSED as moot, and counsel's motion to withdraw and Calhoun's motion for the appointment of counsel are DENIED as unnecessary.